

# Commercial Motor Vehicle Enforcement Quarterly



**January 2010**

## ***Captain's Corner***

Captain Robert R. Powers, Jr.

With 2010 upon us it appears it will be another challenging year for law enforcement. Nearly all agencies at both the state and local levels continue to experience reductions in budgets and staff. Despite these challenges of doing more with less, we continue to achieve significant reductions in traffic crashes, injuries and deaths for all vehicle types, including large trucks and buses. Despite these successes we still have much more work to do to help ensure that this positive trend in traffic safety continues.

I am pleased to announce the winner of the 2009 Michigan Association of Chiefs of Police (MACP) Awards for Excellence in Commercial Vehicle Safety. The winners are:

Pinckney Police Department – Chief Denis Aseltine

MSP – Lansing Post – F/Lt. Ed Hay

Please join me in congratulating these agencies for their outstanding accomplishments in enhancing commercial vehicle safety in their communities.

There are two issues that have emerged as commercial vehicle safety priorities; distracted driving and fatigued driving. U.S. Department of Transportation Secretary Ray LaHood and Federal Motor Carrier Safety Administration Administrator Anne Ferro recently held a news conference where they announced a ban on texting while driving for operators of trucks and buses being operated in interstate commerce. They also announced that FMCSA would begin an accelerated rule making to address texting and other forms of distractions in commercial motor vehicles. In a separate action, the Michigan Legislature continues to work on legislation that would ban texting by all drivers.

FMCSA is also continuing work on a new rule making for hours-of-service for drivers of commercial motor vehicles. I strongly encourage all law enforcement officers to make these issues a priority especially distracted driving.

So far winter has not been too harsh in Michigan. Let's hope that trend continues and we have an early Spring.

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## ***CMV Texting Ban and Enforcement***

As of January 26, 2010, FMCSA has put an immediate ban on texting for commercial motor vehicle drivers.

On January 26, 2010, Transportation Secretary Ray LaHood announced a federal guidance relating to 49 CFR 390.17 banning hand-held texting by commercial truck drivers and buses to avoid the danger of distracted driving. The prohibition is effective immediately and follows a similar ban in December 2009 for all drivers of federal government vehicles. The guidance is provided as an attachment to this publication. Prior to enforcing the texting ban, agencies should seek the approval of their local prosecutor.

The new ban carries federal fines up to \$2,750. At present, nearly half of the states currently ban texting for all motor vehicles and others are considering the move. Legislation also has been introduced in Congress to prohibit texting by vehicle drivers.

For further guidance, applicability of the Federal Motor Carrier Safety Regulations to texting by CMV drivers is attached at the end of the CMV quarterly.

Additional information on the federal guidance and distracted driving can be found at the following link <http://www.dot.gov/affairs/2010/dot3110.htm>

## ***FMCSR***

### **Load Securement**

This is to provide guidance in the application of the general load securement rules found in Federal Motor Carrier Safety Rules (FMCSR) section 393.104(b).

FMCSR 393.104(b) states "All tiedowns, cargo securement systems, parts and components used to secure cargo must be in proper working order when used to perform that function with no damaged or weakened components, such as, but not limited to, cracks or cuts that will adversely affect their performance for cargo securement purposes including reducing the working load limit."



**Proper Edge Protection**

A common load securement violation occurs when drivers and/or carriers fail to employ proper edge protection as required in FMCSR section 393.104(f)(4).



**Violation – No Edge Protection**

**Example #1**



**Out-of-service violation - No Edge Protection**

**Example #2**

**Example #1** - shows a violation *only* for no edge protection as required in FMCSR 393.104(f)(4). The violation exists because no edge protection is employed and there is no evidence of damage from the contact with the load.

**Example #2** - shows a strap with damage as a result of not employing proper edge protection. This would be a violation resulting in the vehicle being placed out-of-service until repaired, in this case replaced. The out-of-service determination is found through guidance published in the North American Standard Out-of-Service Criteria Section 393.104(f)(4).

### **Passenger Carrying CMVs – Rule Change**

On February 1, 2010, the Federal Motor Carrier Safety Administration (FMCSA) amended the Federal Motor Carrier Safety Regulations (FMCSRs) to require that motor carriers operating commercial motor vehicles (CMVs), designed or used to transport between 9 and 15 passengers (including the driver), in interstate commerce for direct compensation comply with the safety regulations regardless of the distance traveled.

Specifically, this rule extends the FMCSRs to the operation of such vehicles when they are operated **within** a 75 air-mile radius (86.3 statute miles or 138.9 kilometers) from the driver's normal work-reporting location. Motor carriers, drivers, and the vehicles operated by them are subject to the same safety requirements imposed upon such vehicles when they are operated beyond a 75-air-mile radius.

This action is required by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). **This rule is effective May 3, 2010 and motor carriers must be in compliance with this rule no later than June 1, 2010.**

## ***TRAINING***

### **CSA 2010**

Comprehensive Safety Analysis (CSA 2010) is an FMCSA initiative to increase the efficiency and effectiveness of the Agency's motor carrier compliance and enforcement program. The ultimate goal of CSA 2010 is to reduce the number of fatalities and injuries resulting from crashes involving large trucks and interstate buses. CSA 2010 will take a more focused approach to motor carrier, vehicle and driver violations, many of which are identified through the CVSA inspection process.

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CSA 2010 training will begin sometime during the summer 2010 and be completed by December 2010. The training will be delivered in several formats and be taught state-by-state to all federal and state investigator and enforcement personnel.

For more details on the CSA 2010 initiative you can reference [www.cvsa.org](http://www.cvsa.org) and request a copy of the "Guardian" first quarter 2010 volume 16, Issue 1.

### ***Reminder***

Michigan is a participant in the International Registration Plan (IRP) which allows commercial motor vehicles to operate between states with only one registration plate. As such, Michigan is required to comply with the requirements of the plan. Officers should remember that not all states require that commercial vehicles display their IRP plates in accordance with MCL 257.225. According to the IRP requirements, commercial vehicles are required to display their IRP plates in accordance with law specific to the state in which the plate was issued.

For example, Illinois requires that IRP plates on trucks be displayed on the front of the vehicle as opposed to the rear. Under the IRP, Michigan is required to honor Illinois law.